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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. MJ 08-582
09 Plaintiff,)
10 v.) DETENTION ORDER
11 RAFAEL AVILES MORENO,)
12 Defendant.)
13 _____)

14 Offense charged: Possession of Methamphetamine with Intent to Distribute

15 Date of Detention Hearing: December 9, 2009

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably assure
19 the appearance of defendant as required and the safety of other persons and the community.

20 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

21 (1) Defendant is reportedly a citizen of Mexico.

22 (2) The United States alleges that his presence in this country is illegal. There is an

01 immigration detainer pending against him. The issue of detention in this case is therefore
02 essentially moot, as the defendant would be released to immigration custody if not detained in
03 this case.

04 (3) Defendant and his counsel offer no opposition to the entry of an order of detention.

05 (4) Upon advice of counsel, defendant declined to be interviewed by Pretrial Services.

06 Therefore, there is limited information available about him.

07 (5) There does not appear to be any condition or combination of conditions that will
08 reasonably assure the defendant's appearance at future Court hearings while addressing the
09 danger to other persons or the community.

10 It is therefore ORDERED:

11 (1) Defendant shall be detained pending trial and committed to the custody of the
12 Attorney General for confinement in a correction facility separate, to the extent
13 practicable, from persons awaiting or serving sentences or being held in custody
14 pending appeal;

15 (2) Defendant shall be afforded reasonable opportunity for private consultation with
16 counsel;

17 (3) On order of a court of the United States or on request of an attorney for the
18 Government, the person in charge of the corrections facility in which defendant
19 is confined shall deliver the defendant to a United States Marshal for the purpose
20 of an appearance in connection with a court proceeding; and

21 (4) The clerk shall direct copies of this Order to counsel for the United States, to
22 counsel for the defendant, to the United States Marshal, and to the United States

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Pretrial Services Officer.

DATED this 9th day of December, 2009.



Mary Alice Theiler
United States Magistrate Judge